

Message Text

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FM SECSTATE WASHDC

TO AMEMBASSY WARSAW

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TAGS: EFIS, PL

SUBJECT: RESPONSE TO COMMENTS BY GOP CONCERNING US
FISHERIES ENFORCEMENT

1. THE FOLLOWING INFORMATION IS SUPPLIED IN RESPONSE TO
YOUR REQUEST IN REFTEL AND IS FOR USE AS YOU SEE FIT IN
RESPONDING TO GOP COMMENTS AND ALLEGATIONS CONCERNING US
FISHERIES ENFORCEMENT.

2. THE DETAILS OF THE COAST GUARD'S ACTIONS IN THE SEIZURE
OF THE POLISH FISHING VESSEL LEPUS ARE SET FORTH IN
COMMANDER COAST GUARD DISTRICT THREE (CCGD THREE) MESSAGE
2913312 DEC 75 WHICH HAS BEEN POUCHED TO POST.

3. AS YOU HAVE ALREADY NOTED, THE COAST GUARD'S FISHERIES
LAW ENFORCEMENT EFFORTS, WHILE THOROUGH AND DILIGENT, ARE
BY NO MEANS BIASED FOR OR AGAINST ANY COUNTRY. EACH NATION
WHOSE VESSELS FISH OFF THE COAST OF THE US RECEIVES THE
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SAME TREATMENT. OF THE TWENTY FOREIGN FISHING VESSELS

SEIZED IN CALENDAR YEAR 1975 FOR VIOLATING US FISHERIES LAWS, ONE WAS BULGARIAN, TWO WERE CANADIAN, TWO WERE CUBAN, TWO WERE ITALIAN, FIVE WERE JAPANESE, ONE WAS KOREAN (ROK), FOUR WERE POLISH, ONE WAS SPANISH, ONE WAS CHINESE (ROC) AND ONE WAS SOVIET.

4. YOUR UNDERSTANDING (PARAGRAPH 5 REFTTEL) THAT WARNINGS ARE CUSTOMARILY GIVEN VESSELS WHOSE PRESENCE WITHIN THE 12-MILE LIMIT CAN BE DETERMINED ONLY BY A SINGLE POSITION FIX IS INCORRECT. COAST GUARD ENFORCEMENT OFFICERS ARE AUTHORIZED TO SEIZE AN OFFENDING FOREIGN VESSEL WHENEVER THEY HAVE REASON TO BELIEVE THE VESSEL IS IN VIOLATION. IN A TERRITORIAL WATERS OR CONTIGUOUS FISHERIES ZONE CASE, A SINGLE FIX OF THE OFFENDING VESSEL'S POSITION INSIDE THE APPLICABLE LIMIT IS SUFFICIENT TO PROVIDE THIS EVIDENTIARY PREREQUISITE. WARNINGS ARE NOT USUALLY GIVEN IN CASES IN WHICH THIS EVIDENTIARY PREREQUISITE IS SATISFIED UNLESS FOR SOME REASON THE COAST GUARD IS UNABLE TO MAKE THE SEIZURE. WARNINGS ARE GIVEN WHERE THERE IS SOME EVIDENCE OF A VIOLATION BUT NOT ENOUGH TO WARRANT SEIZURE.

5. COAST GUARD AND NATIONAL MARINE FISHERIES SERVICE RECORDS REVEAL THAT IN DECEMBER 1974 THE POLISH FISHING VESSELS LUZYTANKA, KOLEN, AND KUBLIN WERE EACH WARNED FOR INFRINGING ON THE TWELVE-MILE CONTIGUOUS FISHERIES ZONE IN THE ATLANTIC. DESPITE POLISH DECLARATION THAT ITS VESSELS ARE INSTRUCTED TO REMAIN AT LEAST THIRTEEN MILES FROM COAST, IT APPEARS THAT POLISH VESSELS CONTINUE TO ROUTINELY FISH RIGHT UP TO THE OUTER LIMIT OF THE CONTIGUOUS FISHERIES ZONE. DURING A MEETING WITH COAST GUARD AND NMFS LAST SUMMER, THE POLISH FLEET COMMANDER FOR THE WEST COAST STATED THAT HE WAS PLEASED THAT THE SOVIET VESSELS WERE ADHERING TO THEIR INSTRUCTIONS TO REMAIN FIFTEEN MILES OFF THE COAST BECAUSE THAT MADE THE FISHING BETTER FOR THE POLISH VESSELS IN THE TWELVE TO FIFTEEN MILE BELT. IN APRIL 1975, PRIOR TO ITS SEIZURE IN MAY, THE POLISH VESSEL KALMAR WAS BOARDED BY COAST GUARD AND NMFS WHO FORWARDED MASTER THAT TWELVE-MILE LIMIT WAS STRICTLY ENFORCED AND THAT HE SHOULD TAKE LIMITED OFFICIAL USE

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PARTICULAR CARE TO AVOID INFRINGEMENT. KALMAR CHOSE TO DISREGARD THIS WARNING AND WAS SEIZED LESS THAN ELEVEN MILES OFF THE COAST IN MAY. EVEN AFTER ITS RELEASE FROM THAT SEIZURE KALMAR RETURNED TO NEAR THE POSITION OF ITS PREVIOUS VIOLATION AND FISHED FOR THREE DAYS RIGHT ON THE TWELVE-MILE LINE PRIOR TO LEAVING THE AREA. THIS RISKY PRACTICE OF POLISH VESSELS OF INTENTIONALLY TRAWLING RIGHT UP TO THE OUTER LIMIT OF THE TWELVE-MILE ZONE IS

MADE EVEN MORE RISKY BECAUSE OF IMPRUDENT USE AND MAINTENANCE OF THEIR NAVIGATION GEAR. KALMAR RADAR WAS OBSERVED TO BE POORLY TUNED AND OUT OF ADJUSTMENT. LEPUS WAS NOT USING MOST OF ITS NAVIGATION GEAR DURING ITS INCURSION INTO THE FISHERIES ZONE. SISCO

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